



**ALBUQUERQUE-BERNALILLO COUNTY  
AIR QUALITY CONTROL BOARD**



Vincent E. Griego Chambers  
Albuquerque-Bernalillo County Government Center  
One Civic Plaza NW, Albuquerque, NM 87102

**DRAFT MINUTES – April 30, 2015  
Meeting/Hearing**

**AQCB MEMBERS PRESENT**

Jane Cudney-Black (CITY), Vice Chair  
Jens Deichmann, Ph.D. (COUNTY)  
Augustine Grace III, P.E. (CITY)  
Deborah L. Stover (COUNTY)  
Dona Upson, M.D. (CITY)  
Lenton Malry, Ph.D. (BCPC LIAISON)  
James Peck, BOMA Fellow, RPA, FMA  
(EPC LIAISON)

Mary Lou Leonard, Director  
Danny Nevarez, Deputy Director, EHD  
Margaret Nieto, EH Manager and AQCB  
Secretary  
Felicia Orth, Air Board Attorney and  
Hearing Officer  
Carol Parker, Assistant City Attorney  
Damon Reyes, EH Manager  
Dwayne Salisbury, EH Supervisor  
Isreal Tavarez, EH Manager

**AQCB MEMBERS ABSENT**

Kelsey Curran, CIH (CITY), Chair  
Robert Goldstein, M.D. (COUNTY)

**VISITORS PRESENT**

Tim Atler, Sutin, Thayer & Browne Law  
Firm  
Lola Bird, Downtown ABQ Mainstreet  
Initiative  
Arthur Gradi  
Valerie Hermanson, MRCOG  
Ruthie McGonagil

**EHD STAFF PRESENT**

Andrew Daffern, AQCB Liaison  
Dan Gates, Senior Engineer  
Fabian Macias, Air Quality Official  
Ed Merta, Air Quality Regulation  
Development Coordinator

**DRAFT MEETING MINUTES**

**CALL TO ORDER**

The meeting was called to order by Vice Chair Jane Cudney-Black at 5:31 p.m. on April 30, 2015 with four voting Board members present: Augustine Grace, Jens Deichmann, Jane Cudney-Black, and Deborah Stover; and two non-voting members present: Lenton Malry and James Peck. Not present were voting members Dona Upson, Kelsey Curran, and Robert Goldstein.

**Item #1      Approval of Agenda (Vice Chair)**

A motion to approve the agenda was made by Member Deichmann and seconded by Member Grace. The motion was approved unanimously by a vote of 4-0.

**Item #2      Approval of March 11, 2015 Meeting Minutes (Vice Chair)**

A motion to approve the March 11, 2015 meeting minutes was made by Member Stover and seconded by Member Deichmann. The motion was approved unanimously by a vote of 4-0.

### **PUBLIC COMMENT**

There was no public comment.

### **ACTION ITEMS**

**Item #3 Election of Chair and Vice Chair for 2015-2016 (Vice Chair)  
Nominations are as follows:**

- **Chair: Ms. Kelsey Curran,**
- **Vice Chair: Ms. Jane Cudney-Black**

Vice Chair Cudney-Black asked if there were any nominations from the floor for the offices of Chair and Vice Chair. Member Deichmann nominated Member Curran to serve as Chair.

Kelsey Curran was unanimously elected to the office of Chair of the Air Quality Control Board, by a vote of 4-0.

Member Grace nominated Member Cudney-Black to serve as Vice Chair.

Note: Vice Chair Cudney-Black announced that Member Upson entered the meeting at 5:35 p.m.

Jane Cudney-Black was unanimously elected to the office of Vice Chair of the Air Quality Control Board, by a vote of 5-0.

**Item #4 Selection of Board members to serve as non-voting Advisory Member and Alternate to Mid-Region Council of Governments (MRCOG) Transportation Program Task Group (TPTG) and Transportation Coordinating Committee (TCC) (Vice Chair)**

- **Advisory Member:**
- **Alternate:**

Hearing no nominations, the matter was tabled for further discussion.

### **OTHER BUSINESS**

**Item #5 BICI, Albuquerque's Downtown Pilot Bike Share presentation by Lola Bird, Executive Director, DowntownABQ MainStreet Initiative, and Valerie Hermanson, Transportation Planner, Mid-Region Council of Governments**

BICI, Albuquerque's Downtown Pilot Bike Share, was presented by Lola Bird and Valerie Hermanson. Ms. Bird and Ms. Hermanson then answered questions from the Board.

**Item #6 Discussion on possible action to send a letter of support for the Bike Sharing Program to Mayor Berry and City Council, City of Albuquerque; Dewey Cave, Exec. Director of the MRCOG; and Bernalillo County Commissioners**

The Board agreed to sign and send the drafted letter of support to Mayor Berry, City of Albuquerque, and Dewey Cave, Exec. Director of the MRCOG; with copies to the Albuquerque City Council and Bernalillo County Commissioners.

**HEARING**

- **In the Matter of the Petition to adopt a State Implementation Plan (SIP) for SO<sub>2</sub> to address Sections 110(a)(1) and (2) of the Federal Clean Air Act (CAA), 42 U.S.C. § 7410(a)(1) and (2) hereafter referred to as the “SO<sub>2</sub> Infrastructure SIP” (AQCB Petition No. 2015-1) – Ed Merta, Air Quality Regulation Development Coordinator, COA/EHD**

Hearing Officer Felicia Orth opened the hearing at 5:55 p.m. with five Air Quality Control Board (Board) voting members present: Dona Upson, Augustine Grace, Jens Deichmann, Jane Cudney-Black, and Deborah Stover; and two non-voting members present: Lenton Malry and James Peck. Ed Merta, Air Quality Regulation Development Coordinator, COA/EHD, presented testimony. Ed Merta and Isreal Tavarez, Permitting Section Manager, COA/EHD answered questions posed by the Board. There were no public comments. After hearing testimony and discussion, Hearing Officer Orth closed the hearing at 6:05 p.m.

**ACTION ITEM (cont’d)**

**Item #7 Decision on the Matter of the Petition to adopt a State Implementation Plan (SIP) for SO<sub>2</sub> to address Sections 110(a)(1) and (2) of the Federal Clean Air Act (CAA), 42 U.S.C. § 7410(a)(1) and (2) hereafter referred to as the “SO<sub>2</sub> Infrastructure SIP” (AQCB Petition No. 2015-1, AQCB Resolution No. 2015-1)**

A motion to adopt Resolution 2015-1: Adopting a State Implementation Plan (SIP) for Sulfur Dioxide (SO<sub>2</sub>) to address Sections 110(a)(1) and (2) of the Federal Clean Air Act (CAA), 42 U.S.C. § 7410(a)(1) and (2) hereafter referred to as the “SO<sub>2</sub> Infrastructure SIP” was made by Member Deichmann and seconded by Member Upson. The motion was approved unanimously by a vote of 5-0.

The hearing and decision was recorded and transcribed by Court Reporter Deborah L. O’Connor with Bean & Associates. The transcript is available for review during business hours in the office of the Board’s Hearing Clerk located at One Civic Plaza NW, Suite 3023, Albuquerque, NM 87102.

**HEARING**

- **In the Matter of the Petition to Amend 20.11.61 NMAC, *Prevention of Significant Deterioration*, and Submit the Adopted 20.11.61 NMAC to the U.S. Environmental Protection Agency for Proposed Incorporation into the New Mexico State Implementation Plan for Air Quality (SIP) (AQCB**

**Petition No. 2015-2) - Ed Merta, Air Quality Regulation Development Coordinator, COA/EHD**

Hearing Officer Felicia Orth opened the hearing at 6:09 p.m. with five Air Quality Control Board (Board) voting members present: Dona Upson, Augustine Grace, Jens Deichmann, Jane Cudney-Black, and Deborah Stover; and two non-voting members present: Lenton Malry and James Peck. Ed Merta, Air Quality Regulation Development Coordinator, COA/EHD, presented testimony. There were no questions from the Board or the public. After hearing testimony, Hearing Officer Orth closed the hearing at 6:16 p.m.

**ACTION ITEM (cont'd)**

**Item #8      Decision on the Matter of the Petition to Amend 20.11.61 NMAC, *Prevention of Significant Deterioration*, and Submit the Adopted 20.11.61 NMAC to the U.S. Environmental Protection Agency for Proposed Incorporation into the New Mexico State Implementation Plan for Air Quality (SIP) (AQCB Petition No. 2015-2, AQCB Resolution No. 2015-2)**

A motion to adopt Resolution 2015-2: Adopting an Amended 20.11.61 NMAC, *Prevention of Significant Deterioration*, and Proposing the Amendments as a Revision to the New Mexico State Implementation Plan for Air Quality (SIP) was made by Member Deichmann and seconded by Member Upson. The motion was approved unanimously by a vote of 5-0.

The hearing and decision was recorded and transcribed by Court Reporter Deborah L. O'Connor with Bean & Associates. The transcript is available for review during business hours in the office of the Board's Hearing Clerk located at One Civic Plaza NW, Suite 3023, Albuquerque, NM 87102.

**Item #9      Discussion and decision on possible Board intervention in New Mexico Court of Appeals No. 34,284, Arthur Gradi, Ruth McGonigil, Jerri Paul-Seaborn, Bernice Ledden, Americo Chavez, Pat Toledo v. City of Albuquerque et al. (Smith's 4<sup>th</sup> Street) The Board may go into Executive Session pursuant to Section 10-15-1.H(7), NMSA 1978. -- Felicia Orth, Board Attorney and Hearing Officer.**

A motion to close the meeting and go into closed Executive Session was made by Member Deichmann and seconded by Member Upson. The motion was approved unanimously by a vote of 5-0. Vice Chair Cudney-Black closed the meeting to go into closed Executive Session at 6:21 p.m.

The Board returned from closed Executive Session at 6:26 p.m. Vice Chair Cudney-Black announced that the Board took no action in closed Executive Session. A motion for the Albuquerque-Bernalillo County Air Quality Control Board to intervene in Court of Appeals No. 34,284 and direct Board Attorney Felicia Orth to file a brief on the Board's behalf was made by Member Deichmann and seconded by Member Upson. The motion was approved unanimously by a vote of 5-0.

**REPORTS Air Program Report. Staff available for questions.**

Member Grace asked why the Albuquerque Bernalillo County Water Utility Authority's (ABCWUA) Southside Water Reclamation Plant's Sulfur Dioxide emissions have increased. Director Mary Lou Leonard responded that the Department will contact ABCWUA regarding this question and inform the Board of their response.

Member Deichmann requested to be updated on the status of New Mexico Court of Appeals No. 33,269, regarding the Smith's Tramway. Board Attorney Orth provided the following details: the New Mexico Court of Appeals issued a Mandate on April 9, 2015 remanding the case to the Air Quality Control Board. Hearing Officer Orth asked the Board to ensure their availability on the evening of July 8, 2015, for a Hearing to address the Mandate from the New Mexico Court of Appeals.

**ADJOURNMENT**

Vice Chair Jane Cudney-Black adjourned the meeting at 6:32 p.m.

**NEXT SCHEDULED BOARD MEETING:** June 10, 2015, 5:30 p.m., Vincent E. Griego  
Chambers

**NEXT SCHEDULED BOARD HEARING:** July 8, 2015, 5:30 p.m., Vincent E. Griego  
Chambers

SUBMITTED:

READ AND APPROVED:

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Ms. Margaret Nieto date  
Board Secretary/Env. Health Manager, Control Strategies Section,  
Air Quality Program, Environmental Health Department.

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Kelsey Curran, CIH date  
Chair  
Albuquerque – Bernalillo County Air Quality Control Board